

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RONALD L. NEWBY,

Defendant.

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8:08CR216

ORDER

This matter is before the court on the defendant's Motion [45] to compel disclosure of the identity of a confidential informant. Information provided by this informant was used in the search warrant that was the topic of the defendant's prior Motion to Suppress [15] which he filed last June. The issue the defendant wants to raise on the eve of trial should have been known to counsel well before the motion deadline expired and certainly before the July 30, 2008 hearing on his Motion to Suppress.

The court finds that the defendant has not shown good cause to reopen the deadline for filing substantive motions.

**IT IS ORDERED:**

1. Defendant's motion to compel [45] is denied because it was not timely filed.
2. Pursuant to [NECrimR 57.2](#), a party may appeal this order by filing an "Appeal of Magistrate Judge's Order" by **12:00 noon on Thursday, October 9, 2008**. The party shall specifically state the order or portion thereof appealed from and the basis of the appeal. The appealing party shall file contemporaneously with the statement of appeal a brief setting forth the party's arguments that the magistrate judge's order is clearly erroneous or contrary to law. The filing of a statement of appeal does not automatically stay the magistrate judge's order pending appeal. See NECrimR 57.2(d).

**DATED October 8, 2008.**

**BY THE COURT:**

s/ F.A. Gossett  
United States Magistrate Judge